

Title of the Communication: "The legal status of the worker cooperator in Portugal: the question of remuneration".

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This communication deals with one of the main conclusions of the study on "Employment relations in cooperatives in Portugal", carried out within the framework of the International Project entitled "Legal status of workers-members of cooperatives and other organizations of the social and solidarity economy" promoted by the "IBERO-AMERICAN ASSOCIATION OF COOPERATIVE, MUTUAL AND SOCIAL AND SOLIDARY ECONOMY".

One of the central issues of this study, which is the subject of this communication, was whether all the guarantees provided for remuneration in the field of labor law could be applied to 'withdrawals' which the worker-worker receives from time to time, in return for the work done, in accordance with the statutes or internal regulations of the cooperative.

The position of this cooperative worker is complex, since the activity to which he is obliged has a content very close to the work, although its origin is based on a clearly cooperative relationship, formalized in the acceptance of the statutes.

Thus, from a legal-formal point of view, 'withdrawals' do not constitute remuneration, in the light of the criteria laid down by the general labor law, but rather an early participation in results, more specifically surpluses.

In the study, we defend that, since this patrimonial counterpart is intended, as a rule, to satisfy the personal and family needs of the worker-worker and his / her family, legislative intervention is necessary that protects the specific position of the worker-worker, with the possibility of this participation in the surpluses benefiting from some of the guarantees provided for the remuneration.

Currently, the protection of the remuneration contained in labor legislation already includes the possibility of qualifying as remuneration the worker's participation in the profits of the company, his employer (article 260, d) of the Labor Code).

An approach should therefore be drawn to the system of 'withdrawals' from the scheme and to some of the guarantees provided for the concept of pay in the field of labor law in order to protect the food cooperatives, with particular emphasis on periodicity of payment, in accordance with the terms to be laid down in the statutes, as well as whether such 'withdrawals' are subject to the profit-sharing scheme provided for in the cooperative legislation.

In addition, with regard to the unemployment benefit, the Code of Social Security Schemes has recently recognized unemployment protection for members of the statutory bodies of corporate bodies that exercise managerial or administrative functions (article 65. ). The same applies to self-employed persons who are economically dependent on a single entity, as well as to self-employed persons (Articles 141 (2) and (3), respectively). This issue will also be discussed in the communication, given that we do not see any obstacles to worker co-operation having access to a system of unemployment protection.

Keywords: cooperative, cooperative worker, surplus, retribution.

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